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The Commonwealth of Massachusetts
Executive Office of Public Safety
Fire Safety Commission

Automatic Sprinkler Appeals Board

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MAURICE M. PILETTE
CHAIRMAN

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MEMORANDUM

TO: All parties to appeals before the Commonwealth's Automatic Sprinkler Appeals Board

FROM: Maurice Pilette, Chairman, Automatic Sprinkler Appeals Board

Date: August 8, 2003

RE: Stipulations of Facts and Recommended Dispositions

In order for the Automatic Sprinkler Appeals Board to facilitate and expedite pending appeals, the Board strongly suggests that the parties communicate with one another prior to the hearing for the purpose of developing stipulations (or facts that are not in dispute) and/or a recommended disposition of the case, subject to final approval of the Board.

It has been the Board's experience that many cases before it do not involve disputed facts. In many cases the Appellant agrees that the subject building is subject to the sprinkler requirements, but seeks an extension of time to complete the requirements based upon legitimate reasons and/or seeks to install a reasonable alternative fire suppression system. In some of these cases, fire departments do not object to a reasonable extension of time or the use of an alternative system as long as the appellant complies with certain reasonable conditions.

Accordingly, if the parties can agree upon undisputed facts and/or on a suggested disposition of the case, such agreement should be committed to writing and signed by both parties. The document should include the basis for the suggested disposition, details about alternative systems (if applicable) and the specific conditions of the agreement, if any. Even if the parties cannot agree upon a recommended disposition, any factual matters, which are not in dispute, should be committed to writing, signed and submitted to the Board at the hearing.

However, notwithstanding the existence of any such written agreement, recommended disposition or stipulation, the ultimate decision to accept, deny or modify the contents of such a document, and the ultimate determination of each case remains within the sole authority and jurisdiction of the Board. If the Board does not accept an agreement or if the parties cannot agree on a final disposition, such stipulations may be withdrawn in the event of a hearing and shall not be binding against any party.

If the parties observe these suggestions, it is anticipated that your case can be determined in a more efficient and less time consuming manner.